1: Nadel E-5 (1934-1936) 1942
FF52 Nupe FF52

CHAPTER VII
POLITICAL HISTORY OF NUPE KINGDOM
(*continued*)

KINGSHIP

IN the tradition of Tsoede, that 'mythical charter' of Nupe kingdom, the essence of the Nupe state is already clearly expressed, sanctioned, almost sanctified, by that paramount authority that attaches to prehistoric events: it outlines a system of political domination, growing by conquest and expansion, and governed by a group detached in origin and status from the rest of the population, and claiming its supreme position by the right of might. The small river kingdom which figures, in the Tsoede tradition, as the nucleus of the great Nupe of later times, and the vast empire under the Fulani Emirs, are essentially of the same nature. The twofold process of expansion over alien groups and cultures, combined with cultural assimilation and absorption, is reflected in both, in the ideological history of the Tsoede myth as well as in the 'real' history of the Fulani kingdom. In one there is Tsoede, who conquers Nupe with the help of alien magic, who brings into Nupe the insignia of alien rulership and culture, but who, himself half Nupe by descent, creates a new, independent, and united Nupe. In the other there is this remarkable piece of empire-policy when Masaba claims succession to the Nupe throne on the grounds of his being half Nupe by birth and full Nupe by education. If the mythology of Tsoede establishes the essence and growth of kingship, later history shows its vicissitudes involved in such system of domination which forces unity upon heterogeneous groups and cultures, revolts and feuds, kings deposed and exiled, usurpers and shadow kings.

We know little about the system of kingship in pre-Fulani times. I have mentioned one piece of information already which I obtained from various sources, namely, the ancient rule of succession which made the eldest son 'born in the purple', that is, the son first born during the father's reign, the heir to the throne of Nupe. A few other facts concerning the person of the king I was able to ascertain from the *Etsu* of Patigi. Certain ritual rules obtained at the king's court—and some of these rules are still observed in Patigi. Thus the *Etsu* may only wear white; he can travel and go out whenever he likes, but may not eat any food save that prepared by his wives; nor may any stranger watch him eat. Finally, no one may be killed in the presence of the king or in the town in which he is residing.[1]

[1] This helps us to understand the organization of the 'King's Hangmen', the crucial fact of which was that the royal executioners killed their victims in places far away from the king's capital. Another effect of this observance, which is still visible, is the rule which forbids the performance of the *ndakó gboyd*, a cult believed to lead to the death of witches, in Patigi, the present 'king's town' or anywhere within a distance from which 'the shrieking of the spirit could be heard in Patigi'. (See *Man*, 1935, 173.)

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FF52 Nupe FF52

673 civil and criminal law, defined two classes of delicts: simpler delicts, which were settled by 'repairing' the damage that had been done, and here the Nupe did not speak of sentence or judgement but of *gyara*, reparation, or arbitration; and graver delicts, 'criminal' cases in the modern sense, which called for formal judgement and punishment—*sheri'a*. The following table summarizes the various crimes and offences according to this twofold classification. Let me emphasize that these data are widely known, and that every village elder or older man in Bida is able to enumerate and explain the types of offences and the nature of the punishment. This wide-spread legal knowledge is clearly the psychological counterpart of the systematic co-ordination and centralization of Nupe jurisdiction.

Offences involving *gyara*	Offences involving *sheri'a*
Debts, small.	Debts, large.
Theft on a small scale and during the day; theft of fowls, sheep, and goats.	Theft on a large scale, theft of cattle or horses, and all theft committed during the night.
Adultery.	Adultery leading to fights and bloodshed.
Seduction of girl by unmarried man who is willing to marry her.	Seduction by married man who refuses to marry the girl.
	Murder and manslaughter.
	Highway robbery.
	Arson.
	High treason, i.e. rebellion of feudal lords against the king.
	Lèse-majesté (*gi tokó nyá tsu*, lit. abuse of the king).

692 The first type of offences was a matter for the local authority. In the royal domains it was dealt with by the chief and the elders, in the fief by the delegate of the feudal lord who resided in the village, in consultation with chief and elders. The sentences which this local tribunal could inflict were fines, flogging, and *sheldá*, a practice closely akin to pillory: the culprit was marched through the village accompanied by drummers who proclaimed his offence.

The graver crimes, crimes which demanded *sheri'a*, were referred to the central authority—the court of the king and *Alkali* in Bida. They were, in fact, also called *leifi nyá tsu*, 'crimes of the king'. This highest court of Nupe could inflict sentences of every order, above all, the death penalty. The offences were brought to the notice of the central authority 694 through the feudal lords and delegates. The villagers would report to their overlord in the town, or the feudal lord would have the news from his local delegate, and would then inform the supreme court of Nupe. The criminal was apprehended by the king's slave police and taken to the capital where the court was sitting. This system which made the 696 feudal lords and delegates the 'recorders' of crimes and offences laid itself open to many abuses. The feudal lords could be influenced in favour of a better paying claimant, or prevented by bribes from reporting a particular case. The usual procedure as regards, for example, theft or debts was described to me thus: Up to the value of 10s. nothing

1: Nadel E-5 (1934-1936) 1942
FF52 Nupe FF52

would happen: 'you give the *egba* half this sum, he will quash the case, and you will still have a profit of 5*s*. Of course, if a larger sum is involved this is not so easy, for such an amount is difficult to hush up, and too many people would know about it.'

The judicial procedure in the capital followed, till recently, two different principles: the *sheri'a gboró*, 'straight judgement', for pagans, and the *sheri'a nya kurani*, 'judgement according to the Koran', for Mohammedans. The former represented the 'customary law' of the country, which would do justice to the local pagan customs; it also implied the oath on the sacred objects of pagan Nupe, especially the chain of Tsoede. The latter followed the written Mohammedan law and implied the oath on the Koran. Punishment of ordinary criminals was performed in the capital, on the open market—be it flogging, *sheld*, or capital punishment. In the case of political offences and in the case of men of rank, royal princes, or members of the high nobility, the execution took place under the cover of night and in the secrecy of their own houses. Whether this 'preferential' treatment expressed a last privilege granted to the ruling classes or whether such secrecy was thought to uphold the morale of the feudal kingdom I cannot say.[1]

All the various crimes and offences listed in our table became actionable only when there was a plaintiff. The state itself did not undertake to prosecute unless it was appealed to first by a person bringing a charge against some other person—with one exception: the crime *lèse-majesté*. The widespread knowledge with regard to this crime and its punishment in districts and groups which certainly never came into personal contact with the king precludes the assumption that in this case, too, the legal executive waited for a concrete charge being brought by the plaintiff in question, i.e. the king. Rather we must assume that the crime became actionable in an absolute sense, whenever and wherever it was committed, provided that witnesses of the act existed. Whether the information about the crime reached the central authority through private information or denunciation, or through the official channels of delegates and sub-delegates, I cannot say; but the important fact is that here the state took the initiative in prosecuting the offender. We have here the instance of an indictable offence in the modern sense of the word—a legal definition unparalleled in any known primitive system of law.

In this comprehensive and strongly centralized jurisdiction the political system of Nupe achieved its strongest hold over the peoples of the kingdom. Here the co-ordination of morality, the uniformity of cultures of which we have spoken, is secured by the most effective weapon, the coercive machinery of state jurisdiction. We possess certain evidence which shows that this comprehensive co-ordination was achieved gradually, and that the political system extended its judicial

[1] I have referred already to the ancient, pre-Fulani, judicial organization of the *ledu*, the 'King's Hangmen', who lived in villages on the Niger and there, far from the king's town, executed the criminals who were condemned to death (see p. 73). It is interesting to mention here certain stories current in Bida which record that the *ledu* organization was still used in the time of *Etsu* Usman against rebels of royal blood, who were imprisoned in Giragi, the *ledu* town closest to Bida.

LEGAL PROCEDURE

627 The village head has limited and informal judicial powers. Minor cases are settled by him with two or three members of the council and the elders of the ward to which the litigant belongs. The procedure is informal and discussion rarely becomes heated. The authority of these courts is gradually being surrendered to the officially recognized courts. Cases requiring formal justice are referred to the 671 Native Court under the professional Moslem judge (*Alkali*) of the District.

692 In modern Nupe, Moslem law is paramount; the judges (pl. *Alkalai*) reside in Bida and the other Districts. The Bida town court is both a local court and appeal court for the Districts. The *Etsu* and his councillors form a higher court of appeal for cases concerned with land.

671 A marked disparity has been reported between Moslem law and the traditional 182 culture, particularly in rural communities, where the social and economic conditions differ most widely from the social life of which Moslem law is an expression. Peasants who were familiar with and understood the old customary law, often insist, when they come before the courts, on being accompanied by a mallam or person of standing who is familiar with the " new " law.

Among the Kyedye the *Alkali* holds his court in Muregi; the *Kuta* (chief) and delegates (district heads) have no judicial authority.

692 Jurisdiction over grave crimes was formerly the responsibility of the *Etsu* 696 Nupe. The death penalty was exacted for theft in the night, " big theft," murder, and treason. Traditionally the only villages in which executions could be performed were the *ledu* (pl. *leduzhi*) villages—Jebba, Gbere, Tada, Jiragi, Sulati, Fofo, Taiji, and Cewuru, which lie along the banks of the Niger 10 to 15 miles apart, between Jebba in the north and Eggan in the south. The king's hangmen resided here and a criminal was generally taken for execution to the *ledu* village nearest to his home.

778 Each of these villages possesses a " chain of Tsoede," generally kept at the 782 chief's house; it is a typical heavy iron slave or prison chain, up to 30 ft. long, with arm- and leg-irons. Traditional sacrifices of beer and blood are made to it, and it protects the village from sickness and brings fertility to women. Jebba and Tada, the oldest of the *leduzhi*, also possess bronze figures.[87]

INHERITANCE

428 The personal property of men is inherited by their sons, that of women by their daughters. The family farm goes to the relative next in seniority, younger brother or eldest son, in the classificatory sense.[88]

586 A widow may be inherited by her husband's sister's son or her husband's younger brother: custom forbids remarriage with an elder brother. Islam, however, allows remarriage with elder or younger brother.[89]

LAND TENURE

423 Land tenure in different parts of the country has been variously affected by two factors, namely the appropriation as estates held by the nobility of parts of the tribal lands after the Fulani conquest, and the density of population.

The royal house of Bida holds the title to certain lands by right of conquest. Land was also bestowed on others by the royal house for services rendered, and all individual titles to land are held to be ultimately derived from this one source. The clearing and first hoeing of the royal estates is done by large-scale communal labour. The subsequent work was formerly done by slaves, but to-day by paid labour.

Most of the appropriation of land occurred in the area east of the Kaduna River. Here population is more dense and there is a complex system of land ownership and transfer. Owing to the consequent shortage, disputes are frequent and particu-

[87] Nadel, 1942, pp. 56–8, 165–79; 1940a, p. 181; 1935b.
[88] Nadel, 1942, pp. 31–2, 245.
[89] Nadel, 1954a, pp. 249–60.

4: Temple G-4 (no date) 1922
FF52 Nupe FF52

The successor's initiatory act is to go to the tombs of each of his predecessors, where he offers prayer at the head of his people. He would have three compounds to visit, the burial place of each of the three family branches, one sepulchre being in his own palace, as the Chief resides in his own family mansion. 643

The Nupe King, entitled Etsu in pre-Filane days, now Emir of Bida, has been a Muhammadan for some centuries and Koranic law is, therefore, observed, but as it has been modified since the advent of the British the following relates to the system of punishment in vogue before that time. All cases were then, as now, decided by the Alkali in court, and he informed the Emir of all important sentences. If there were doubt as to the guilt of the accused the Alkali would sometimes summon a Mallam with the gift of second sight to assist him, but he would never fail to come to a decision. Boys under seventeen were not considered adult, and were not subject to courts of law, but were punished at home by their fathers or guardians—and the same applied to unmarried women. 671 696 [584 672]

The theft of any food stuff eaten on the spot was considered no offence, but if any objects worth 1,250 cowries (=6d.) or more were stolen the thief had his hand cut off, for a second offence his foot, for a third offence his second hand, for a fourth, his second foot. It is so much recognised as a brand, that an innocent man who has to have his hand amputated always has it done at the elbow. If, however, there were extenuating circumstances, if it was a first offence, and the man pleaded guilty, he might be let off altogether, or imprisoned. Theft between husband and wife is considered no offence. If the value of goods taken was 10,000 cowries or more his head was cut off, and the same punishment was inflicted for highway robbery with violence. If no bodily hurt were done, imprisonment was substituted for any term up to four years. 685 [935] 683

For assault a fine of 50,000 cowries was levied.

For resisting a dogarai, or officer of the Alkali's court, a fine of 100,000 cowries upwards was imposed.

Injudicious talk was punished by cutting off the mouth and ears.

Murder was punished by decapitation.

Sentences of death were carried out by dogarai, who buried the bodies, unless the families sent for them. 682 696 [867]

Adultery was heavily punished in old days, but not now. Married women were liable to law. They suffered imprisonment inside the Alkali's compound, in compliance with Muhammadan decorum, and a murderess was put in a pit (in this compound), from which her head alone emerged, and was kept there without food or water till she died, for a woman might not be killed! There were but few women criminals, as crime is ground for divorce, and it is hard for a criminal to get another husband. 684 [842] 586

8: Walker G-5 (ca. 1933) 1934 FF52 Nupe FF52

8. Then, there are two figures which in appearance seem to be cast out of pure copper. One is 1 foot 10 inches high, and represents a man standing with clasped hands. A small pigtail adorns the head, the eyes are very bulging, and the feet very big. The other (Plate M 6) is a remarkably realistic bit of modelling, and is as noticeable for this quality as No. 4 is for its formal decorative treatment.

9. There remains one small figure (Plate M 7, 8), 1 foot 4 inches high, apparently of pure brass. It is of a male figure of ungainly proportions and coarse features, holding a crook and wearing an apron. In addition, a small cotton cloth is tied round its loins.

10. No. 4 is very heavy, due probably to the fact that the clay core is still within the figure. The others are light and hollow. All are or have at one time been on shallow rectangular bases.

11. The first thing that strikes one about the figures as a whole is the difference in the material of which they are cast. All of them appear to be made by the *cire perdue* process. But, as has been indicated above, four are of dark bronze, two appear to be of pure copper, and one of brass. Only the three last-named are kept scoured. Another striking feature is the divergence of technique. It is impossible to think that there are less than three sources for these figures, not because of the difference in metal used but on account of the wide difference in treatment—unless, of course, they are copies of originals. However this may be, the designs on Plate M 2, 3, 4 are so distinctive and conventionalized that they must have had antecedents, and it is to be hoped that this article may have given sufficient data by which their origin can be traced.

12. The Village Head of Tada tells the following legend. The Chief of Atagara had a son called Shode who was a successful hunter but could not find a market for his meat. At that time the chief of a certain town called Wanta had a girl in his household whom he gave to Shode to cook the meat of the animals he killed. After a time she became with child by Shode. When he was about to return to his home, he brought her a charm and a loin cloth and told her to give them to her son when he was born, for a son it would be. Shortly after he had returned home, his father, the chief of Atagara, died and he succeeded to the chiefdom. Now, in those times when a new chief was installed, each town brought slaves, and it happened that this child Edegi, which the girl bore to Shode, was amongst them on this occasion. When the chief, Shode, saw Edegi, he recognized him by the charm and loin cloth, promoted him to honour and showed him much affection. Shortly before his death he called Edegi and told him that after his death he should gather all his property together and leave the country. At this the townspeople rose up in jealousy, but Edegi escaped and travelled up the Niger with his loaded canoes till he came to the neighbourhood of Bida. There he abandoned chains because of their weight and passed on to Tafa in Bida territory, then to Tada, Gbere and Jebba, at each of which places he left either chains or ornamental figures. He got as far as Kwatashi in Bussa, and then returned or was driven back. His boat and poles were of bronze. They lie in the Ega river close to Muregi. Edegi sank himself and the boat because he could not elude his enemies. He was the first chief of the Nupé.[1]

13. The information given in this account suggested further inquiry at Gbere, 15 miles east of Jebba, opposite Rába, the only one of the above-mentioned places that is situated in Ilorin Province. Owing to the phenomenal floods it was not possible to reach the village itself, but the chains were brought to Tada for inspection. There are five of them, measuring 33 feet 6 inches, 20 feet, 23 feet, 8 feet 8 inches and 7 feet 2 inches respectively, and all are much corroded. The links vary from 3 inches to 6 inches in length and are rectangular in shape. At the end of one chain is a circular link. The weight of all the chains is about 20 lbs.

14. The Ndeji and the Wangwa of Gbere say that the chains were used in pre-British days for strangling criminals. Executions were carried out in the bush by the Checho assisted by three youths. The present Checho who looks after the chains has not seen an execution, but the Ndeji

[1] *Note.*—According to the Bussa legend, Edegi was chief of Gbere. He came up the river as far as Kwatashi, and encamped on the east bank of the Niger. Sarkin Wawa sent to warn him that he was not destined to become ruler of this region and if he stayed death would be his portion. It was then low water, and Edegi walked out to a large rock to receive the Wawa envoys.

When he heard their message he laid a curse upon the rock that any canoe that came near it would sink and any man that touched it would die. Edegi then departed down stream, but the rock remains and is still called Dutsin Edegi.

8: Walker G-5 (ca. 1933) 1934 FF52 Nupe FF52

696 and Wangwa claim to have done so. They state the chains were wound several times round the neck of the victim and the ends drawn tight till he was strangled.

173

FIG. 14.

15. Besides the chains there were three pairs of manacles as in fig. 14, staple and neck collar.

16. Edegi's expedition or flight, whichever the case may be, is a well-known historical fact and, in the "Notes on the Tribes, "Provinces, Emirates and States of the North-"ern Provinces of Nigeria," compiled by Mrs. Temple, it is said to have taken place about 1505. A study of this curiously assorted group of relics will hardly assist us in coming to definite conclusions about the nature of this incident or in understanding how Edegi came to found the Nupé state. But it provides interesting material for speculation.

S. W. WALKER.

[p. 172]

9:Nadel E-5 (1934-1935) 1935 FF52 Nupe FF52

173 the supremacy of Idah, and established the independent Nupe kingdom which is eventually to become one of the most powerful native states in Nigeria.[1]

II.

778 The chain is the sacred relic of all *ledu* villages. It protects the village from sickness, and gives
695 fertility to the women. But it has yet another, more special, meaning. It is also called *'ti dzana*,
696 the 'head of Dzana,' and the story goes that Tsoede inaugurated the chain by beheading his own maternal uncle, Dzana, and placing head and chain together on the wooden tray as a permanent symbol for his power over life and death. From that day the chain remained an instrument of execution, and the villages which possess it are the ones to perform the execution; they are the 'king's hangmen.'[2] The jurisdiction over grave crimes lay in the hands of the king. They were actually termed *leiji nyá 'tsu*, 'crimes of the king.' But whenever such a grave crime was committed, the king had to summon the help of the *ledu*. The criminal was brought to the king's residence first. The king would then try the case, invoke the sacred ordeal, and pass the sentence. Then his own men would bring the criminal to the place of the execution, as a rule the *ledu* village situated nearest to the place of the crime. There men from the village put the criminal in irons, and led him into the bush where nobody could see him, tiéd the sacred chain round his neck, and strangled him. Finally they buried the corpse in the bush, and returned to their village, announcing to the king's messenger that 'everything had been done.'

681 The crimes which were regarded as such 'king's crimes' were: theft during the night, and big theft (*e.g.*, of cattle, or a horse); murder; and the crime of *lèse majesté*. In this case the *ledu* did not kill the criminal, but only flogged him severely, and drove him out of the territory of Nupe. In case the criminal was a man of high rank, perhaps of the ruling family, only the head towns, Jebba or Tada, could perform the execution.

693 Three men were the executioners in every village, and one amongst them was invariably the *ndáce*, the 'father of the shooting,' i.e., the head of the hunter guild. There is a deep meaning in this. For a hunter is not only a man trained in hunting and killing, but he also possesses that essential magic which, after the act of killing, can expiate the deed, and propitiate the spirit of the dead. And through this element of propitiatory magic the killing of the guilty criminal is distinguished from all other killing. It ceases to be mere inflicting of death. It gains the dignity of a sacred office, and an almost ritual act.

693 Whether such beliefs went deeper than this: whether there existed a general superstition
767 which made the people shrink from the idea of inflicting death on natives of their own village, and thus made them entrust this uncanny work to people from other places, or to people protected by special magic, I dare not decide. There certainly exists still to-day a strong repugnance against
[761] having to do with all matters concerning death, and in particular unnatural death. Even the ordinary burial is carried out in secret, by one special family in every village which alone possesses the magical knowledge of burying the dead. But should a person be killed by lightning, or found murdered, no native of the village would come near the dead, but people from another village (or perhaps a village known for its special magic) would be called to perform this mysteriously perilous
693 work. Yet, on the other hand, I have positive evidence that in certain places of Nupe, outside the

[1] A few words only about the possible historical basis of this tradition. According to the existing, very detailed, genealogies of the Nupe kings, Tsoede's life fell into the beginning of the sixteenth century. At that time Idah is said to have been, since long, under the supremacy of Benin. Now the big bronze figures at Jebba and Tada are cast in *cire perdue*, the same technic as the famous Benin bronzes—and a technic which does not exist, at least not in the same perfection, in Nupe country to-day. The chains and irons, finally, are evidently of European origin. They must have been brought into Nigeria by the Portuguese who, as we know, had established close contact, and an extended slave trade, with the king of Benin by the end of the fifteenth century. From Benin the bronze figures and chains might have reached Idah, and eventually Nupe, by the natural highway for trade and traffic, the Niger.—About the bronze figures see also Man, 1931, 261, and 1934, 193.

[2] The *ledu* are also known by the name *dogari nya Tsoede*, lit. the policemen of Tsoede. *Dogari*, however, is a Hausa word, which might have been adopted more recently. In one or two places I actually found an older term still remembered: *tete-cigbécí*, lit. the executioner-medicineman. This term evidently refers to the magical element connected with this office.